



Texas Juvenile Justice Department

Board Meeting

11209 Metric Blvd., Building H – Lone Star Conference Room

Austin, Texas 78757

Friday, January 31, 2014 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman

Scott Matthew

The Honorable John Brieden III

Dr. Rene Olvera

The Honorable Laura Parker

Melissa Weiss

The Honorable Jimmy Smith

MaryLou Mendoza

Joseph Brown

BOARD MEMBERS ABSENT:

The Honorable Carol Bush

Jane Anderson King

Becky Gregory

EXECUTIVE STAFF PRESENT:

Mike Griffiths, Executive Director

Linda Brooke, Chief of Staff

Brett Bray, General Counsel

Elaine Mays, Chief Information & Technology Officer

Amy Lopez, Sr. Director, Education Services

Lisa Capers, Sr. Director, Administration & Training

Teresa Stroud, Sr. Director, State Programs & Facilities

James Williams, Sr. Director, Probation & Community Services

Eleazar Garcia, Chief Internal Auditor

Dr. Rajendra Parikh, Medical Director

Roland Luna, Chief Inspector General

Jim Hurley, Communications Manager

Mike Meyer, Chief Financial Officer

Jeannette Cantu, Executive Assistant

TJJD Board meeting

January 31, 2014

OTHER GUESTS PRESENT:

Lucy Rodriguez, TJJD	Ed Cockrell, Jefferson Co. JPD	Forest Hanna, Midland Co. JPD
Vanessa Burgess, TJJD	Dorothy Roberts, TJJD	Darryl Beatty, Travis Co. JPD
Joseph Baucum, UT	Lesly Jacobs, TJJD	Sal Lopez, Williamson Co. JPD
Rebecca Thomas, TJJD	Lesley French, Office of Representative Tan Parker	Duncan Cormie, TNOYS
Jerome Williams, TJJD	Bobby Campos, McLennan Co.	Bradley Ware, PHR
Doug Vance, Advisory Council	Susan Humphrey, Bell Co.	Kenneth Ming, TJJD
John Isle, TJJD	Kevin Dubose, TJJD	Pete Heller, TJJD
Jeff North, C5 Texas	Kevin Neimeyer, LBB	Dr. Terry Smith, Dallas Co.
Jose Torrez, Cameron Co.	Jeannette Lepe, TJJD	Estella P. Medina, Travis Co.
Jim Vines, McLennan Co.	Fred Morse, Friends of Parrie Haynes	Fred Meinke, TJJD
Chelsea Buchholtz, TJJD	Luther Taliaferro, TJJD	Steve Roman, TJJD
Terri Dollar, TJJD	Ashley Kintzer, TJJD	Ron Quiros, Guadalupe Co.
Karol Davidson, TJJD	Tracy Levins, TJJD	Laura Torres, Cameron Co.
Kavita Gupta, TJJD	Camilla Cannon, TJJD	Rob Ries, Office of the Lt. Governor
Edeske Barnes, Jasper Co.	Kati Kieffer, TJJD	Tammy Holland, TJJD

Call to Order

Chairman Fisher called the meeting to order at 9:00 a.m. A quorum was present.

Prayer

Mr. Abraham Lopez, TJJD employee, opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Excuse Absences

Mr. Joseph Brown moved to excuse the absences of Judge Carol Bush, Ms. Jane King and Ms. Becky Gregory. Judge John Brieden seconded. The motion passed unanimously.

Public Comments

There were no public comments.

October 18, 2013 Board Meeting Minutes

Judge Parker moved to approve the October 18, 2013 meeting minutes. Ms. MaryLou Mendoza seconded. The motion passed.

Report from the Chairman

Chairman Scott W. Fisher reported his visit to the Evins facility with Mr. Griffiths last month. He was impressed with the facility and operational direction the facility is leading toward.

Report from the Executive Director

Mike Griffiths, Executive Director, provided a written report to the board. He reported the agency is closer in getting direction from the Legislative Budget Board (LBB) regarding their decision for the Corsicana facility. The agency wants to be ready when that decision is made. He praised the budget team and executive team who have worked tirelessly on weekends and holidays in the last two months responding to many requests for information from the LBB leadership to assist them in making their decision.

Mr. Griffiths acknowledged the agency's Grant Coordinator, Kati Kieffer, who is currently working with the Governor's office to secure almost \$1 million in grant funding for TJJD. Also working with Ms. Kieffer, is the Office of the General Counsel, Office of the Inspector General, Administrative Investigations Division, Finance Division and the Chief Information & Technology office.

The grants come in two forms, both from the same funding source of the Department of Justice. The first part is to provide law enforcement equipment to the Office of the Inspector General and the Administrative Investigations Division. The second part is to support the technology needs for the Information Technology (IT) division.

The agency anticipates future grants for Indigent Defense funds, Positive Behavioral Interventions and Supports (PBIS) enhancements and Prison Rape Elimination Act (PREA).

Mr. Griffiths informed the Board that the Board agenda included many items related to Rule Review and that this process is required by statute.

Mr. Griffiths highlighted the statistical graphs in his written report, which show the continued growth of the juvenile age population in the state. The percent of crime youth is declining. Juvenile commitments to state facilities have increased and this is something the agency will continue to monitor.

Mr. Griffiths highlighted the section in the ED report containing agency FY 14 goals and FY 13 accomplishments. He credited agency personnel for their work on working so diligently under difficult circumstances.

Judge John Brieden emphasized that during the last legislative session and discussions about agency appropriations, it was continually said that the juvenile population was declining and would continue to decline; therefore the LBB further reduced the agency's funding. Now we're seeing that in the first quarter of 2014, that trend has turned around and increased, leaving the agency to react to the increasing trend with decreased funding. Judge Brieden felt he needed to emphasize that for the record, Chairman Fisher agreed.

Report from the Inspector General

Chief Inspector General Roland Luna provided 1st quarter FY 2014 summary indicators for OIG Investigative Analysis. Of the 3,038 reports to the Incident Reporting Center (IRC): 163 were referred to the Administrative Investigations Division (AID) – AID State, 372 referred to Probation – AID County, 346 referred to OIG Criminal, 1,464 referred to Youth Rights, 397 referred to State Programs, 296 cases closed. There were 84 OIG Criminal investigations submitted to prosecution: 75 assaultive, 5 sexual offense, 0 property damage, 2 contraband and 2 reported as other. There were 148 TJJD active directives to apprehend issued, 16 OIG apprehensions and 78 apprehensions by other agencies. The OIG continues to partner with federal, state and local law enforcement agencies by sharing intelligence as authorized by law to assist with apprehensions.

Inspector General Luna reported the OIG continues to work on significant policy developments with the Office of the General Counsel, including the PREA policy in partnership with State Programs and Facilities and the Administrative Investigations Division. OIG has completed its portion of the Business Continuity Plan, participated in redefining the Directive to Apprehend (DTA) process with Probation and Community Services Division and the Manager of Halfway Houses and Re-entry Services, and all OIG staff have completed their training for both federal and state mandates. OIG recently held its semi-annual firearms qualifications training. As of December 15, 2013, the OIG is now leading the Canine Program to enhance security at state facilities and is also implementing a Contraband Interception Team (CIT) to enhance security measures in both secure and non-secure facilities.

The OIG has been involved in many committees and workgroups including the Seclusion Standards workgroup, Strategic Planning workgroup, Consolidated Incident Reporting System workgroup, assisting with the movement of the youth from the Corsicana Residential Treatment Center (CRTC) to the McLennan Residential Treatment Center (MRTC) and enhancing the visitation background check process.

In response to questions by Chairman Fisher, Inspector General Luna reported the OIG and AID will receive public safety equipment as part of the grant funded by the Governor's office, including body armor and replacement vehicles. Regarding the Canine Team, Inspector General Luna reported the OIG has 5 Canine handlers who are being as vigilant as possible at each secure facility.

Report from the Advisory Council & recognition of the Standards Committee Members

Ms. Estela Medina, Advisory Council Chairman, provided updates on ongoing initiatives and priorities of the Advisory Council on Juvenile Services: funding and appropriations, standards sub-committee and committee on chapter 343, chemical restraints. Ms. Medina introduced Ms. Debra Emerson, representing the Department of Family and Protective Services (DFPS), as a new member to the Advisory Council. Ms. Emerson replaces Audrey Deckinga, who has since retired from DFPS. Ms. Medina reported the council's last meeting was held November 22, 2013 and was scheduled to meet again on January 28, 2014, but due to inclement weather, that meeting was cancelled.

Mr. Doug Vance, Advisory Council Vice-Chairman, acknowledged the members of the Standards Committee noted below representing their counties, regional associations and state wide professional associations. Mr. Griffiths joined Mr. Vance in thanking each of them for their hard work and dedication and presented them with a certificate signed by him and Chairman Fisher.

Beatty, Darryl – Deputy Chief, Travis County
Brooke, Linda – Chief of Staff, TJJD
Cockrell, Ed – Chief, Jefferson County
Davidson, Karol – Staff Attorney, TJJD
Dollar, Terri – Director of Monitoring & Inspections, TJJD
Eddins, Neil – Assistant Chief, Randall County
Friedman, Scott – Manager of Monitoring & Inspections, TJJD
Garza, Richard – Facility Administrator, Hidalgo County
Gonzales, Carlos – Compliance Officer, Webb County
Gupta, Kavita – Staff Attorney, TJJD
Hayes, Philip – Chief, Cass County
Hough, Tom – Supervisor Training & Quality Assurance, Harris County
Humphrey, Susan K – Chief, Bell County
Kelly, Monica – Chief, Hardin County
Kintzer, Ashley – Policy Coordinator, TJJD
Lewis, Ronald – Deputy Assistant Director, Tarrant County
Line, Vicki – Director of Personnel & Training, Randall County
Lopez, Sal – Director of Detention, Williamson County
Moore, Reba – Chief, Floyd County
Murillo, Jesse – Division Manager, Travis County
Probst, Leah – Quality Assurance Administrator, Dallas County
Roman, Steve – Policy Coordinator, TJJD
Serrano, Louis – Chief, Ector County
Torres, Laura – Program Administrator, Cameron County
Vines, Jim – Facility Administrator, McLennan County
Williams, James – Senior Director of Probation & Community Services, TJJD
Worley, Ross – Chief, Smith County

New appointments to the TJJD Advisory Council

Mr. Griffiths reported several Advisory Council members are scheduled to end their terms February 1, 2014 and respectfully requested to fill the vacancies for the Juvenile Judge, Commissioner Court, Texas Department of Family and Protective Services and three Chief Juvenile Probation Officer vacancies from the effected regional association categories: Juvenile Court Judge: The Honorable Mario Ramirez, 332nd District Court, Edinburg, Texas (current member); County Commissioner Court: The Honorable Mark Allen, Jasper County Judge, Jasper, Texas; Texas Department of Family & Protective Services: Debra Emerson, LMSW-AP, Director of Permanency (appointment by TDFPS Commissioner); Chief Juvenile Probation Officers: Estela Medina, Travis County, Central Texas Juvenile Chiefs Association; Doug Vance, Brazos County, Southeast Texas Juvenile Chiefs; Mark Williams, Tom Green County, West Texas Juvenile Chiefs Association. Ms. Melissa Weiss moved to approve the new appointments to the TJJD Advisory Council. Ms. Mendoza seconded. The motion passed.

Overview of the strategic planning process

Ms. Lisa Capers, Senior Director of Administration & Training, reported strategic planning efforts for TJJD have begun and will continue through the month of June 2014. Documents provided in the board materials provide an overview of the 2 year cycle for strategic planning, performance budget and performance monitoring system process for Texas state agencies as well as specific materials related to TJJD stakeholders for juvenile justice and the agency's plan to seek their input into the agency's strategic plan, fundamental components, foundational concepts and project plan of the strategic plan. Ms. Capers reported the Board will receive a draft strategic plan for review and initial input into the plan at the March Board meeting and the final draft will be provided at the May Board meeting for review and approval. The final approved agency plan will be submitted to the LBB at the end of June and posted to our agency website.

Report from the Programs Committee

Dr. Rene Olvera reported Ms. Stroud presented an improved data set to allow us to look at incidents and outcomes. There is a one week delay in inputting incidents. The hope is for future use of the report to look at trends and make adjustments where necessary to meet the needs of the youth. One thing to be aware of is that one incident may involve multiple youth. The data will appear that there were multiple incidents and that will need to be looked at closely so the data is not misinterpreted. Also discussed was the pilot program to focus on Gang Intervention. It's an evidence based-program that proved to be cost effective and used in multiple states. This program allows for pre and post testing before releasing youth back into the community.

TJJD Ethics Policy

a. Discussion of new policy

b. Discussion and possible approval of amendment to Board Governance Manual

Mr. Brett Bray, General Counsel, reported as a result of an audit in August of 2013, two recommendations were made to the Office of General Counsel (OGC): 1) “to ensure oversight and annual reporting of the ethics programs, General Counsel should determine the need for the implementation of an Ethics Officer, and ethics program, and periodic reporting requirements.”, 2) “to ensure Board members are kept abreast of ethics related requirements, General Counsel should work with the governing Board to determine the need for periodic ethics related training.”

Since August, OGC has been working to effectuate a more formal ethics program, however, changes are being made to another internal policy reflecting the agency’s current practice of requiring each employee to complete an annual ethics and confidentiality e-course, as currently outlined in PRS.02.03 and is in the final stages of revision. There is also a formal designation of the General Counsel as the Ethics Officer. Chairman Fisher asked the Board for any objection to keeping the General Counsel as the Ethics Officer, there were none.

A change to the Board Governance Manual will be needed regarding the ethics-related continuing education as required by the Board Chairman and offered by the department. This is a flexible provision that allows the Chairman to determine additional ethics training that would be necessary in collaboration with the General Counsel. Staff recommends adopting this change to the Board Governance Manual. Discussion ensued regarding the flexible provision and if there is a real need to commit to periodic training. Mr. Stephens moved to approve the amendment to the Board Governance Manual. Commissioner Smith seconded. A vote was taken. Mr. Brown opposed. The motion passed by the majority vote.

Chairman Fisher called for a ten minute break at 10:06 a.m.

Report from the Finance & Audit Committee

Mr. Calvin Stephens first recognized the excellent job the staff continue to do managing the budget and responding to the many requests from leadership regarding the Corsicana facility. He acknowledged it has been a challenging situation with limited resources. The committee heard updates from the Chief Information Technology Officer and the Chief Financial Officer. There has been significant discussion on the cost implication and architectural engineering needs for reopening the Corsicana Facility if that's the direction we're told to go. There is a contract item and an audit that will be up for discussion on our agenda today. Judge Brieden added that the Internal Auditor also reviewed with the committee updates on prior audit recommendations.

Naming of a Brownwood Halfway House

Chairman Fisher tabled this agenda item at the request of staff.

Contract items requiring Board approval: amounts exceeding \$500,000.00, material changes, and/or other matters deemed appropriate for Board review and action

- a. **Ayres Halfway House**
- b. **University of Texas Medical Branch (UTMB)**

Kenneth Ming, Director of Business Operations and Contracts, reported TJJD has submitted the FY 14/15 medical services contract to UTMB for final review. Upon approval of the new contract by UTMB and the TJJD Board, an amendment will be processed for a new contract to supersede the current contract that was extended through February 28, 2014. The new two-year contract amount submitted for approval is \$21,671,444. Mr. Stephens moved to approve the resolution as presented for the UTMB contract. Judge Brieden seconded. The motion passed.

Mr. Ming reported Mr. Griffiths agreed to request TJJD's Board approval to exercise the two five-year lease renewal options allowed for in the contract if the property owner, South New Braunfels 47, LTD, agreed to bear the entire replacement cost of the septic system at the Ayres Halfway House. The system has since been replaced. The original lease was for 10 years, from 11/1/2009 – 10/31/2029. The extension of the lease agreement does not affect the contract provision that makes continued leasing of the property contingent upon the availability of appropriated funds. Discussion ensued regarding the history of the Ayres Halfway House lease and previous issues related to the septic system and HVAC system. Mr. Stephens moved to approve the resolution as presented for the Ayres Halfway House contract extension. Mr. Scott Matthew seconded. The motion passed.

Endowment Trust Funds Audit

Mr. Eleazar Garcia, Chief Internal Auditor, reported this draft report presents the results of our audit of compliance with the Public Funds Investment Act in agency's administration of the Parrie Haynes and John C. Wende trust funds during fiscal year 2012 and 2013. The overall objective of this audit was to determine whether the agency's investment activities comply with the Act, and to determine whether management has implemented effective controls over trust fund activities. Audit findings include: controls over the processes to contract with external investment firms, IT security access controls and controls over bank reconciliations can be strengthened. Revenues are accurately accounted and recorded, expenditures of both trusts met the intent of the trust funds and the agency properly accounted for land values of the trusts. Management concurred with our findings and their responses can be found on the last page of the draft report. Commissioner Smith moved to approve the Endowment Trust Funds Audit as presented with the resolution being amended as suggested by Mr. Bray to strike the first "authorizes" in the fourth paragraph and replaced with "approves". Judge Brieden seconded. The motion passed.

Report from the Trust Committee

Chairman Fisher announced this committee was previously named the Parrie Haynes Committee but has been renamed as Trust Committee to reflect all agency trusts. Commissioner Jimmy Smith reported the committee did meet yesterday and requested Chelsea Buchholtz and Vanessa Burgess come forward with their report on items related to trusts.

Discussion and possible authorization to execute a deed for Bell County to upgrade the entry road to the Parrie Haynes Ranch (Action)

Ms. Vanessa Burgess, Staff Attorney, reported the Bell County Engineer's Office is seeking to upgrade the portion of Gann Branch Road that leads to the Parrie Haynes Ranch. Commissioner Smith was involved with negotiating terms and the county has offered the Parrie Haynes Trust \$15,022.00 for the right-of-way to upgrade the paved road. Judge Laura Parker moved to accept the offer from Bell County. Mr. Brown seconded. The motion passed unanimously.

In response to a question from Mr. Bray, Commissioner Smith confirmed the committee's intent is that the funds received from Bell County to upgrade the entry road to the Parrie Haynes Ranch be used for maintenance expenditures. Judge Brieden asked if we needed a formal motion. Ms. Buchholtz confirmed the committee previously approved up to \$5000 for maintenance expenses and offered that the agency

would come back to the Board in March with a formal plan for use of these additional funds for board approval. Chairman Fisher agreed.

Discussion and consideration of a mineral rights lease within the boundaries of the Parrie Haynes Ranch with Scully Exploration (Action)

Chairman Fisher reported the agency was approached by Scully Exploration, LLC., to lease the mineral rights of the Parrie Haynes Ranch. As a matter of due diligence, the agency met with executives at Scully, researched the company itself and its current and past ventures. As a result, OGC recommends the Board reject the offer to allow our staff more time to see what the market is for that size ranch and that area of the state. Judge Brieden moved to reject the offer. Ms. MaryLou Mendoza seconded. The motion passed unanimously.

Discussion and direction on the development of the Federal Habitat Conservation Plan for the Parrie Haynes Ranch

Chairman Fisher reported that, prior to creation of the TJJD Board, Oncor signed a required Environmental Assessment/Habitation Plan with the former TYC agreeing to pay 1.6 million dollars in mitigation fees, which would then be used to hire someone to manage wildlife on the Parrie Haynes Ranch. Oncor paid the mitigation funds to the Texas Parks and Wildlife Department (TWPDP) because at the time, TWPDP managed the property and was in the process of taking over as trustee of the estate. TPWD has held the mitigation funds in an account and a wildlife management plan was never put in place. A representative from the U.S. Fish and Wildlife Service recently contacted the agency to ask whether the Board would be interested in developing a wildlife management plan for utilizing the funds. Staff requests the Board to consider pursuing this option and allow staff time to negotiate and develop a wildlife management plan with the mitigation funds. With no objection being voiced, Mr. Bray stated staff will bring that final plan back to the Board for approval at a later date.

Report on a new grazing lease on the Milam County tract of the Parrie Haynes Ranch

Ms. Buchholtz reported TJJD staff published to the local newspaper an advertisement for a grazing lease on the Milam County Tract of the estate. The agency received one offer to lease to the 105 acre tract for \$2,000 per year from the current tenants. The previous lease was for the same amount; however, the current lease covers a three-year period of time. Chairman Fisher confirmed this was just a report that the lease has been executed, as previously authorized.

Report on financial settlement received from Oncor for damages at the Parrie Haynes Ranch

Chairman Fisher said this item is a report that Oncor has offered to pay the Parrie Haynes Estate \$2,500.00 for damage to the grass caused during construction of the power line at the ranch. Chairman Fisher recognized Bradley Ware and Fred Morris, friends of the Parrie Haynes Ranch, and Jeff North of C5 Texas.

Report from the Safety & Security Committee

Chairman Fisher reported the Safety & Security Committee did not meet yesterday as originally planned.

Discussion and possible approval to publish proposed revisions to 37 TAC §380.9121, relating to Moral Values, Worship and Religious Education and 37 TAC §380.9317, relating to Access to Personal Minister, Pastor, or Religious Counselor, in the Texas Register for a 30-day public comment period

Ms. Tammy Holland, Manager of Community, Family, and Chaplaincy Programs, reported a summary of the revisions to both policies. Revisions to rule 380.9121, establishes that the religious preference of the youth under the age of 18 years old is verified with the parent or guardian at the time of placement in TJJD. TJJD will honor the youth's preference if the parent or guardian cannot be contacted after due diligence.

Revisions to rule 380.9317 define a personal clergy member as someone from a recognized faith group who has an established, professional relationship with the youth and/or the youth's family prior to admission to TJJD. To reflect current practice staff must verify a clergy member's religious affiliation and relationship to a youth before approving visits. TJJD will no longer place limits on the length of time and frequency allowed for visits, provide adequate space for confidential visits but staff will maintain line-of-sight supervision for security purposes and if the youth is under 18 years of age, the youth's parent/guardian may prohibit a visit from the personal clergy member. The title of the rule will be changed to "Visitation with Personal Clergy".

In response to a question by Ms. MaryLou Mendoza regarding a description or definition of moral value used in the policy, Mr. Griffiths stated the agency policy does not currently list a definition; our intent is to work with the youth to establish their own moral values. He offered that staff will confer further with the OGC and by publishing the proposed revisions to this policy we will likely get feedback on this very issue from stakeholders.

Ms. Mendoza moved to approve the proposed revisions be published in the *Texas Register* for comment. Mr. Matthew seconded. The motion passed unanimously.

Discussion and possible approval to publish proposed revisions to 37 TAC §380.9312, relating to Visitation, in the *Texas Register* for a 30-day public comment period

Ms. Karol Davidson, Staff Attorney, presented a summary of proposed revisions to the rule. In addition to those with convictions in the last 10 years, persons with outstanding felony or misdemeanor warrants are not eligible to visit. TJJD will make a decision to allow or deny visitation for a person who is not an immediate family member and has a felony conviction in the past 10 years, it will no longer be automatic denial. A person with deferred or juvenile adjudication for a felony, current probation or parole, conviction, deferred adjudication, or juvenile adjudication for a jailable misdemeanor within the past five years may now be denied visitation. TJJD will take into consideration the nature and extent of the criminal record and the time elapsed since the criminal activity. Provisions have been added to prohibit TJJD from denying visitation for an immediate family member based solely on the criminal history, allowing only the division director over residential services or his/her designee to deny visitation to an immediate family member, allowing TJJD to retain criminal history information for a person who has been denied or restricted due to the criminal history, allowing the executive director to make exceptions to this rule on a case-by-case basis. Clarification has been added to show the rule does not apply to volunteers when they visit youth as part of their specific volunteer assignment. Mr. Stephens moved to approve the proposed revisions be published in the *Texas Register* for comment. Ms. Weiss seconded. The motion passed unanimously.

Discussion and possible approval to publish proposed revisions to 37 TAC §380.9333, relating to Alleged Abuse, Neglect, and Exploitation, in the *Texas Register* for a 30-day public comment period

Ms. Karol Davidson presented a summary of the substantive proposed revisions to the rule. The disposition for closed cases now only includes “confirmed,” “not confirmed” or “unable to determine.” The rule allows TJJD staff involved in determining appropriate corrective actions to have access to the investigation report and evidence. The rule allows the accused TJJD employee to have access to the investigation report and related evidence to appeal the finding or to defend against discipline resulting from the findings. The rule clarifies that if an allegation meets the definition of Abuse, Neglect, and Exploitation, there will always be an administrative investigation, in addition to any criminal investigation. The rule no longer says the allegation will be assigned for criminal and/or administrative investigation. The definition of “sexual conduct” has been revised to track the penal code definition.

Commissioner Smith moved to approve the proposed revisions be published in the *Texas Register* for comment. Judge Parker seconded. The motion passed unanimously.

Discussion and possible approval to publish the proposed rule review and proposed revisions for 37 TAC Chapter 345, relating to Juvenile Justice Professional Code of Ethics for Certified Officers, in the *Texas Register* for a 30-day public comment period

Ms. Karol Davidson presented a summary of the substantive proposed revisions to the rule. The Youth Activities Supervisor has been added to those individuals required to comply with the code of ethics. A provision was added to require juvenile probation departments, programs and facilities to have written policies and procedures for reporting violations of the code of ethics and to whom they must report. A provision was added to require juvenile justice professionals to adhere to the code of ethics. Mr. Stephens moved to approve the proposed revisions be published in the *Texas Register* for comment. Mr. Brown seconded. The motion passed unanimously.

Discussion and possible approval to publish the proposed rule review and proposed revisions for 37 TAC Chapter 359, relating to Memorandums of Understanding, in the *Texas Register* for a 30-day public comment period

Mr. Kenneth Ming, Director of Business Operations & Contracts, reported the proposed revisions include minor terminology updates and grammatical revisions throughout the chapter including updating the department name to the Texas Juvenile Justice Department and changing the partnering agency name from Texas Commission on Law Enforcement Officer Standards and Education to Texas Commission on Law Enforcement. Judge Parker moved to approve the proposed revisions be published in the *Texas Register* for comment. Mr. Matthew seconded. The motion passed unanimously.

Discussion and possible approval to publish the proposed rule review and proposed revisions for 37 TAC Chapter 385, Subchapter A, relating to Contracts, in the *Texas Register* for a 30-day public comment period

Mr. Kenneth Ming reported the proposed revisions include minor terminology updates and grammatical revisions throughout the chapter including updating the department name to the Texas Juvenile Justice Department. Updates were made to statutory references and minor clarifications were added to Contract Authority and Responsibilities. A revision was added to specify that the executive director may delegate authority to execute contracts to any member of the executive management team. The requirement that the Chief Financial Officer (CFO) must consult with the OGC before issuing a written

response to a protest was removed. Mr. Brown moved to approve the proposed revisions be published in the *Texas Register* for comment. Judge Parker seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions and rule review for 37 TAC Chapter 341, for the following rules: §341.1 - §341.4, §341.9, §341.10, §341.16, §341.35 - §341.41, §341.65 - §341.71, and §341.80 - §341.91

Mr. James Williams, Senior Director of Probation & Community Services, reported the proposed revisions to these rules were published in the *Texas Register* for a 30 day comment period. There were no comments received however staff recommends two minor changes to proposed text to clarify in 341.3 that it is the juvenile board, not the juvenile probation department that is required to adopt and enforce a zero-tolerance policy and to correct a minor grammar error in 341.82. Staff requests final adoption of the proposed rules.

Discussion ensued regarding the appropriateness of having the Juvenile Board responsible for enforcing the zero-tolerance for sexual abuse. Mr. Brown recommended to strike the words “and enforce” from the rule. Mr. Bray agreed this minor change would not require republishing the rule for public comment. Judge Parker moved to adopt the proposed rules. Mr. Brown seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions and rule review for 37 TAC Chapter 342 and Chapter 380, Subchapter A, for the following rules: §§342.1 - 342.3, §380.8571, and §380.8595

Mr. James Williams, Senior Director of Probation & Community Services, reported the proposed revisions to these rules were published in the *Texas Register* for a 30 day comment period. There were no comments received and staff requests final adoption of the proposed rules. Ms. Mendoza moved to adopt the revised rules. Mr. Stephens seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions for 37 TAC Chapter 341 and Chapter 344, and final adoption of the proposed rule review for 37 TAC Chapter 341, for the following rules: §341.28, §341.29, and §344.800

Ms. Lisa Capers, Senior Director of Administration & Training, reported the proposed revisions to these rules were published in the *Texas Register* for a 30 day comment period. There were no comments received and staff requests final adoption of the proposed rules. Mr. Matthew moved to adopt the revised rules. Judge Brieden seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions and rule review for 37 TAC Chapter 341, for the following rules: §341.20, §341.47 - §341.56, and §341.60

Mr. Mike Meyer, CFO, reported the proposed revisions to these rules were published in the *Texas Register* for a 30 day comment period. There were no comments received. Staff requests a minor change in 341.49, clarifying that each probation department must send their Electronic Data Interchange extract to TJJD no later than the tenth calendar day of each month instead of on the tenth calendar day. Staff requests final adoption of the proposed rules. Judge Parker moved to adopt the revised rules. Ms. Mendoza seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions and rule review for 37 TAC Chapter 380, Subchapter A, for the following rules: §380.8501, §§380.8503 – 380.8555, §§380.8559 - 380.8569, and §380.8575

Mr. Griffiths reported the proposed revisions to these rules were published in the *Texas Register* for a 30 day comment period. There were no comments received. Staff recommends changes noted in the board materials as discussed previously with Chairman Fisher. Staff request final adoption of the proposed rules. Commissioner Smith moved to adopt the revised rules. Mr. Stephens seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions and rule review for 37 TAC Chapter 380, Subchapter A, for the following rules: §380.8502, §380.8557, and §380.8579

Ms. Buchholtz and Ms. Davidson, summarized the proposed revisions and reported they were published in the *Texas Register* for a 30 day comment period. There were no comments received. Staff requests final adoption of the proposed rules. Mr. Brown moved to adopt the proposed rules. Judge Parker seconded. The motion passed unanimously.

Ms. Davidson requested the Chairman's permission to re-address agenda item 27 regarding proposed revisions to rule 380.9312 relating to visitation, for publication. She wanted to clarify the revision regarding visitation denial, stating only the division director over residential services or his/her designee may deny visitation. The request eliminates the denial limitation specific to an immediate family member. The approval to publish for 30 day comment includes this revision. In response to a question by Chairman Fisher, Mr. Bray confirmed this change does not require another vote for this item so long as there is no objection from the Board members. Chairman Fisher stated, with no objection, they would move on. There was no objection. Chairman Fisher thanked Ms. Davidson for the clarification.

Discussion and possible final adoption of proposed revisions to 37 TAC §380.9198, relating to Four-Point Restraints for Medical and Mental Health Purposes

Dr. Rajendra Parikh, Medical Director, summarized the proposed revisions to the rules regarding medical four-point and mental health four-point restraints. There are specific actions to be followed and documented by the nurse, medical provider, psychologist and psychiatrist. The revisions were published in the *Texas Register* for a 30 day comment period. There were no comments received. Staff requests final adoption of the proposed rules. Dr. Olvera requested consistency in who should provide the 15 minute checks for an assessment of circulation under the procedural requirements for medical (healthcare staff) and mental health (trained staff) four-point restraints. Dr. Olvera moved to amend the language in the rule to healthcare staff on both. Judge Parker seconded. The motion passed unanimously. Dr. Olvera moved to approve the amended language. Judge Brieden seconded. The motion passed unanimously.

Discussion and possible final adoption of proposed revisions to 37 TAC §380.9723, relating to Use of Force

Ms. Davidson summarized the proposed revisions to the rules relating to use of force. The revisions were published in the *Texas Register* for a 30 day comment period. There were no comments received. Staff requests final adoption of the proposed rules. Mr. Stephens moved to adopt the proposed rules. Ms. Mendoza seconded. The motion passed unanimously.

Discipline of Certified Officers Default Judgment Order (Action)

- a. **Tyrone McDonald, Docket #14-22560-130102 (Harris)**
- b. **Everett Green, Docket #14-25374-130125 (Dallas)**
- c. **Tiara Hodge: Docket # 14-27220130254 (Milam)**
- d. **Jessica Maupin: Docket # 13-25800 (Bexar)**
- e. **Emmanuel Munoz: Docket #13-25847 (Cameron)**
- f. **Russell Overly: Docket #13-28473-130079 (Lubbock)**
- g. **Juan Vera: Docket # 14-258628-130098 (Brownsville)**

Mr. Brown requested permission to address these orders with Mr. Bray. In response to questions by Mr. Brown, Mr. Bray confirmed these are default judgments where employees have failed to respond to legal action regarding their employment, all parties were provided proper certified notice as required by law and no responses were received by the officers. Mr. Brown moved to approve the default judgment order for item d. Judge Parker and Dr. Olvera recused themselves from this vote as it relates to their

county, Bexar County. Ms. Weiss seconded. The motion passed unanimously. Mr. Brown moved to approve the default judgment orders for items a, b, c, e, f and g. Commissioner Smith seconded. The vote passed unanimously.

Chairman Fisher recessed open session. The Board reconvened in closed session at 11:43 a.m.

Reconvene in open session, discussion and possible action regarding matters deliberated in closed Executive Session (Action)

Chairman Fisher reconvened in open session at 12:21 p.m.

Dr. Parikh requested to provide clarification regarding the 380.four point restraint rule and the requirement of healthcare staff to provide 15 minute checks for mental health four point restraints. This will require UTMB staff agreement to provide healthcare staff to be available every 15 minutes for what could go on for 8 to 12 hours during a mental health restraint. Discussion ensued regarding the potential problem for UTMB manpower coverage, what actions are taken in real time for the various possible scenarios, possible fiscal impact to the agency and the potential for liability to the agency.

Mr. Griffiths offered that we can implement the approved policy and work with UTMB for any necessary additional changes to bring back to the Board for further review. Mr. Bray concurred.

In response to a question by Ms. Mendoza, Dr. Parikh explained that he mistakenly stated that nursing staff provide training although in actuality licensed clinical psychologists and senior level supervisors go over basic training to other staff for observation during restraint.

Chairman Fisher stated, with no objection, we would leave it as approved with the amended language and let staff work with UTMB to make necessary changes. There was no objection.

Discussion and approval of the Delegation of Authority to the Executive Director to complete transfer of certain property not utilized at time of transfer (Action)

Mr. Bray explained, the agency is seeking board authorization to approve delegation of authority to the Executive Director to transfer the Gatesville parcel to the Texas Department of Criminal Justice. Commissioner Smith moved to approve the resolution as presented. Mr. Stephens seconded. The motion passed.

Judge Brieden moved that the board delegate their authority to the Executive Director of TJJD to authorize the transfer of the Corsicana Residential Treatment Center to Navarro County or the City of Corsicana once:

1. The county or city agrees to all provisions contained in SB 653 relating to transfer of a facility and
2. The LBB allows TJJD to stop operating the Corsicana facility.

Mr. Brown seconded. The motion passed.

Adjourn

There being no further business before the Board, Chairman Fisher adjourned the meeting at 12:39 p.m.